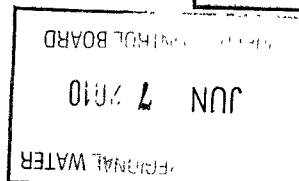
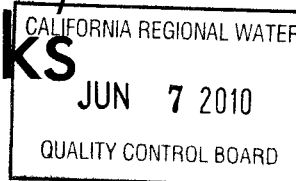


Redwood City  
**Saltworks**



June 3, 2010

Katerina Galacatos  
Project Manager  
U.S. ARMY CORPS OF ENGINEERS  
Regulatory Division, San Francisco District  
1455 Market Street, 16th Floor  
San Francisco, CA 94103

TRANSMITTED VIA OVERNIGHT MAIL

Re: Transmittal of Saltworks PJD Forms with Signatures

Dear Katerina,

Thank you for sending the Saltworks PJD forms signed on behalf of the Army Corps of Engineers. My apologies – I was sure I had signed the bound PJD supplemental package we provided you at EPA's offices back in January. I'm sorry for that oversight.

The signed originals are attached. If anything else with regard to the forms requires our attention please do not hesitate to let me know.

As to future steps, we'll be in touch shortly to coordinate a date with the Corps and any other agencies you think would be helpful/appropriate to begin coordination on issues of the Saltworks permit application including project purpose, the functions and services analysis, and other appropriate considerations.

As always, Katerina, we greatly appreciate your assistance and consideration in moving forward. Should you have any questions in the mean time, please do not hesitate to contact me.

Sincerely,

David C. Smith, Esq.  
Vice President  
DMB ASSOCIATES, INC.



A PASSION FOR GREAT PLACES

Ms. Katerina Galacatos  
U.S. ARMY CORPS OF ENGINEERS  
June 3, 2010  
Page 2

cc: Jason Brush, U.S. EPA Region IX  
Will Travis, BCDC  
Andree Breaux Greenberg, RWQCB, SF Bay Region  
Barbara Ransom, Cargill, Inc.  
John Bruno  
Mike Josselyn, WRA

## PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office	San Francisco District	File/ORM #	SPD - 1972-267260	PJD Date:	Jan 21, 2010
State	CA	City/County	Redwood City/San Mateo County	Name/Address of Person Requesting PJD	DMB Redwood City Saltworks DMB Saltworks, LLC 1700 Seaport Boulevard Suite 200 Redwood City, California 94603
Nearest Waterbody:	South San Francisco Bay				
Location: TRS, LatLong or UTM:	Saltworks Study Area A: Seaport Levee/Seaport Channel Area (lat/long 37.49, -122.21).				
Identify (Estimate) Amount of Waters in the Review Area:		Name of Any Water Bodies on the Site Identified as Section 10 Waters:		Tidal: none Non-Tidal: none	
Non-Wetland Waters:		Stream Flow:			
n/a linear ft n/a width 3.0 acres N/A					
Wetlands: 1.1 acre(s) Cowardin Class: varies, see following page		<input type="checkbox"/> Office (Desk) Determination <input checked="" type="checkbox"/> Field Determination:		Date of Field Trip: Dec 17, 2009	

**SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Figure A-1 (WRA, 2009)
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps
- ☐ Corps navigable waters' study:
- ☒ U.S. Geological Survey Hydrologic Atlas:
  - ☐ USGS NHD data.
  - ☒ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite quad name: Redwood Point (1993), Palo Alto (1991)
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: USDA 1991. Soil Survey of San Mateo Cnty (East). (see Note 1, following page)
- ☒ National wetlands inventory map(s). Cite name: Redwood Point, Palo Alto (see Note 2, following page)
- ☐ State/Local wetland inventory map(s):
- ☒ FEMA/FIRM maps: 060325 0012B
- ☐ 100-year Floodplain Elevation is:
- ☒ Photographs: ☒ Aerial (Name & Date): Aerial provided by Saltworks, dated August 2008
  - ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☒ Other information (please specify): January 16, 1940 War Department Permit

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

Katherine Salas 8 April 2010  
Signature and Date of Regulatory Project Manager  
(REQUIRED)

David [Signature] 4/2/2010  
Signature and Date of Person Requesting Preliminary JD  
(REQUIRED, unless obtaining the signature is impracticable)

### EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following. (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

## PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

### Appendix A - Sites

District Office San Francisco District File/ORM # SEP - 1477 - 264260 PJD Date: Jan 21, 2010  
State CA City/County Redwood City/San Mateo County Person Requesting PJD DMB Saltworks, LLC

Site Number	Latitude	Longitude	Cowardin Class	Est. Amount of Aquatic Resource in Review Area	Class of Aquatic Resource
Wet. A1	37.494520	-122.292900	Estuarine	0.9 acre	muted tidal wetland, see note 3
Wet. A2	37.496364	-122.212394	Palustrine, emergent	0.1 acre	non-tidal wetland, see note 3
Wet. A3	37.499636	-122.211330	Estuarine	<0.1 acre	muted tidal wetland, see note 3
Wet. A4	37.497751	-122.211620	Palustrine, emergent	<0.1 acre	non-tidal wetland, see note 3
Basin A1	37.497888	-122.212076	Estuarine	2.7 acres	muted tidal basin, unvegetated, see note 3
Dep A2	37.495828	-122.212561	Lacustrine	0.1 acre	non-tidal depression, unvegetated, see note 3

#### Notes:

##### Additional Sites:

Basin A3, 37.499571, -122.211438, Estuarine, 0.2 acre, muted tidal basin, unvegetated, see note 3

Depression A4, 37.500390, -122.211157, Lacustrine, <0.1 acre, non-tidal depression, unvegetated, see note 3

Basin A1 is a stormwater basin connected to Redwood Creek by a tidal gate, with a fringe of wetland vegetation (Wetland A1). Depression A2 is an unvegetated depression at the top of a man made levee, with a wetland fringe (Wetland A2). Basin A3 is an unvegetated basin created by overflow from the stormwater basin (Basin A1). Wetland A3 is a vegetated fringe surrounding Basin A3. Depression A4 is an equipment storage area which has formed a depression that holds water at times during the rainy season. Wetland A4 is a vegetated depression formed on a man made levee.

**Note 1.** Per the Arid West Manual (page 34), soil survey information from the USDA Soil maps "is not site specific and does not preclude the need for on-site investigation." (See also USDA soil extent mapping tool at <http://www.cei/psu.edu/soiltool>: "these maps are suited for general information exploration and are not intended for site-specific investigations.") Here, the USDA Soil maps do not represent actual site conditions.

**Note 2.** For National Wetland Inventory maps: Note that the National Wetlands Inventory and associated classification system is not intended to produce legal or regulatory products or be used as the basis for determining the amount or type of jurisdictional area present (<http://www.fws.gov/wetlands/faqs.html#legal>; Wetland Delineation Manual, Corps 1987). The National Wetland inventory mapped boundaries and Cowardin wetland classification shown on the 1985 NWI map is not representative of actual conditions observed in the field.

**Note 3.** Form prepared for use under RGL No. 08-02 only. Applicant reserves all rights to challenge jurisdictional issues in the future.

## PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office	San Francisco District	File/ORM #	SPN - 1972- 267260	PJD Date:	Jan 21, 2010
State	CA	City/County	Redwood City/San Mateo County	Name/ Address of Person Requesting PJD	DMB Redwood City Saltworks DMB Saltworks, LLC 1700 Seaport Boulevard Suite 200 Redwood City, California 94603
Nearest Waterbody:	South San Francisco Bay				
Location: TRS, LatLong or UTM:	Saltworks Study Area B: Regional Storm Drain Channel Area (lat/long 37.48, -122.19).				
Identify (Estimate) Amount of Waters in the Review Area:				Name of Any Water Bodies Tidal: none	
Non-Wetland Waters: Stream Flow:				on the Site Identified as	
n/a linear ft n/a width 3.0 acres N/A				Section 10 Waters: Non-Tidal: none	
Wetlands: 5.7 acre(s) Cowardin Class: varies, see following page				Office (Desk) Determination	
				Field Determination: Date of Field Trip: Dec 17, 2009	

**SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Figure B-1 (WRA, 2009)
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps
- ☐ Corps navigable waters' study:
- ☒ U.S. Geological Survey Hydrologic Atlas:
  - ☐ USGS NHD data.
  - ☒ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite quad name: Palo Alto (1991)
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: USDA 1991. Soil Survey of San Mateo Cnty (East). (see Note 1, following page)
- ☒ National wetlands inventory map(s). Cite name: Palo Alto (see Note 2, following page)
- ☐ State/Local wetland inventory map(s):
- ☒ FEMA/FIRM maps: 060325 0012B
- ☐ 100-year Floodplain Elevation is:
- ☒ Photographs: ☒ Aerial (Name & Date): Aerial provided by Saltworks, dated August 2008
  - ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☒ Other information (please specify): January 16, 1940 War Department Permit

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

Habibullah Galachab 3 April 2010  
Signature and Date of Regulatory Project Manager  
(REQUIRED)

Abdul JCP 6/2/2010  
Signature and Date of Person Requesting Preliminary JD  
(REQUIRED, unless obtaining the signature is impracticable)

### EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

## PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

### Appendix A - Sites

District Office San Francisco District File/ORM # SPN-1972-267260 PJD Date: Jan 21, 2010  
State CA City/County Redwood City/San Mateo Person Requesting PJD DMB Saltworks, LLC

Site Number	Latitude	Longitude	Cowardin Class	Est. Amount of Aquatic Resource in Review Area	Class of Aquatic Resource
Wet. B1	37.488878	-122.199638	Palustrine, emergent	3.6 acres	non-tidal wetland, see note 3
Wet. B2	37.488899	-122.202778	Palustrine, emergent	2.1 acres	non-tidal wetland, see note 3
Drain B1	37.488339	-122.196746	Lacustrine	2.8 acres	non-tidal water, unvegetated, see note 3
Drain B2	37.486984	-122.179163	Lacustrine	0.2 acre	non-tidal water, unvegetated, see note 3

#### Notes:

Drainage B1 and Drainage B2 are unvegetated portions of two managed regional storm drain ditches. Wetland B1 is a vegetated fringe of a managed regional storm drain ditch (Drainage B1). Wetland B2 is a seasonal wetland depression adjacent to the managed regional storm drain ditch.

**Note 1.** Per the Arid West Manual (page 34), soil survey information from the USDA Soil maps "is not site specific and does not preclude the need for on-site investigation." (See also USDA soil extent mapping tool at <http://www.cei/psu.edu/soiltool>: "these maps are suited for general information exploration and are not intended for site-specific investigations.") Here, the USDA Soil maps do not represent actual site conditions.

**Note 2.** For National Wetland Inventory maps: Note that the National Wetlands Inventory and associated classification system is not intended to produce legal or regulatory products or be used as the basis for determining the amount or type of jurisdictional area present (<http://www.fws.gov/wetlands/faqs.html#legal>; Wetland Delineation Manual, Corps 1987). The National Wetland Inventory mapped boundaries and Cowardin wetland classification shown on the 1985 NWI map is not representative of actual conditions observed in the field.

**Note 3.** Form prepared for use under RGL No. 08-02 only. Applicant reserves all rights to challenge jurisdictional issues in the future.

## PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office	San Francisco District	File/ORM #	SPN - 1977-267260	PJD Date:	Jan 21, 2010
State	CA	City/County	Redwood City/San Mateo County	Name/ Address of Person Requesting PJD	DMB Redwood City Saltworks DMB Saltworks, LLC 1700 Seaport Boulevard Suite 200 Redwood City, California 94603
Nearest Waterbody:	South San Francisco Bay				
Location: TRS, LatLong or UTM:	Saltworks Study Area C: Outboard of Levee Waterfront Area (lat/long 37.50, -122.19).				
Identify (Estimate) Amount of Waters in the Review Area:			Name of Any Water Bodies Tidal: First Slough, Westpoint Slough, Flood Slough		
Non-Wetland Waters:			on the Site Identified as		
Stream Flow:			Section 10 Waters: Non-Tidal: none		
0 linear ft 0 width 45.1 acres N/A					
Wetlands: 41.2 acre(s) Cowardin Class: varies, see following page			Office (Desk) Determination		
			Field Determination: Date of Field Trip: Dec 17, 2009		

**SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Figure C-1 (WRA, 2009)
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps
- ☐ Corps navigable waters' study:
- ☒ U.S. Geological Survey Hydrologic Atlas:
  - ☐ USGS NHD data.
  - ☒ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite quad name: Redwood Point (1993), Palo Alto (1991)
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: USDA 1991 Soil Survey of San Mateo Cnty (East). (see Note 1, following page)
- ☒ National wetlands inventory map(s). Cite name: Redwood Point, Palo Alto (see Note 2, following page)
- ☐ State/Local wetland inventory map(s):
- ☒ FEMA/FIRM maps: 060325 0012B, 060325 0009B
- ☐ 100-year Floodplain Elevation is:
- ☒ Photographs: ☒ Aerial (Name & Date): Aerial provided by Saltworks, dated August 2008
  - ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☒ Other information (please specify): January 16, 1940 War Department Permit

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

Katherine Calacab 8 April 2010  
Signature and Date of Regulatory Project Manager  
(REQUIRED)

[Signature] 4/2/2010  
Signature and Date of Person Requesting Preliminary JD  
(REQUIRED, unless obtaining the signature is impracticable)

### EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

## PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

### Appendix A - Sites

District Office San Francisco District File/ORM # SPN - 1942-267260 PJD Date: Jan 21, 2010  
State CA City/County Redwood City/San Mateo County Person Requesting PJD DMB Saltworks, LLC

Site Number	Latitude	Longitude	Cowardin Class	Est. Amount of Aquatic Resource in Review Area	Class of Aquatic Resource
Wetland	37.50	-122.19	Estuarine	41.3 acres	tidal wetland, see note 3
Waters	37.50	-122.19	Estuarine	44.0 acres	tidal waters, unvegetated, see note 3
			n/a		

#### Notes:

With respect to the sites listed above, mapped wetlands and waters consist of tidal areas outboard of the levees surrounding the Salt Production Facility, including wetlands, mudflat, open water, and other vegetated areas below the High Tide Line not meeting the wetland criteria.

**Note 1.** Per the Arid West Manual (page 34), soil survey information from the USDA Soil maps "is not site specific and does not preclude the need for on-site investigation." (See also USDA soil extent mapping tool at <http://www.cei/psu.edu/soiltool>: "these maps are suited for general information exploration and are not intended for site-specific investigations.") Here, the USDA Soil maps do not represent actual site conditions.

**Note 2.** For National Wetland Inventory maps: Note that the National Wetlands Inventory and associated classification system is not intended to produce legal or regulatory products or be used as the basis for determining the amount or type of jurisdictional area present (<http://www.fws.gov/wetlands/faqs.html#legal>; Wetland Delineation Manual, Corps 1987). The National Wetland Inventory mapped boundaries and Cowardin wetland classification shown on the 1985 NWI map is not representative of actual conditions observed in the field.

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## PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office San Francisco District File/ORM # SPN - 1972 - 267260 PJD Date: Jan 21, 2010

State CA City/County Redwood City/San Mateo County

Nearest Waterbody: South San Francisco Bay

Location: TRS, LatLong or UTM: Saltworks Study Area D: Salt Production Facility (lat/long 37.49, -122.19)

Name/ Address of Person Requesting PJD  
DMB Redwood City Saltworks  
DMB Saltworks, LLC  
1700 Seaport Boulevard Suite 200  
Redwood City, California 94603

Identify (Estimate) Amount of Waters in the Review Area:

Non-Wetland Waters:

n/a linear ft n/a width 1275.7 acres Stream Flow: N/A

Name of Any Water Bodies on the Site Identified as Section 10 Waters: Tidal: none Non-Tidal: none

Wetlands: none acre(s) Cowardin Class: see Note 1 following page

☐ Office (Desk) Determination  
☒ Field Determination: Date of Field Trip: Dec 17, 2009

**SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Figure D-1 (WRA 2009)
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps
- ☐ Corps navigable waters' study:
- ☒ U.S. Geological Survey Hydrologic Atlas:
  - ☐ USGS NHD data.
  - ☒ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite quad name: Redwood Point (1993), Palo Alto (1991)
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: USDA 1991. Soil Survey of San Mateo Cnty (East). (see Note 2, following page)
- ☒ National wetlands inventory map(s). Cite name: Redwood Point, Palo Alto (see Note 1, following page)
- ☐ State/Local wetland inventory map(s):
- ☒ FEMA/FIRM maps: 06325 0012B, 060325 0009B
- ☐ 100-year Floodplain Elevation is:
- ☒ Photographs: ☒ Aerial (Name & Date): Aerial provided by saltworks, dated August 2008
  - ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☒ Other information (please specify): See Note 3

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

Kabirina Salazar 8 April 2010  
Signature and Date of Regulatory Project Manager  
(REQUIRED)

[Signature] 6/24/2010  
Signature and Date of Person Requesting Preliminary JD  
(REQUIRED, unless obtaining the signature is impracticable)

### EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

## PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

### Appendix A - Sites

District Office San Francisco District File/ORM # SFD - 1972- 267260 PJD Date: Jan 21, 2010  
State CA City/County Redwood City/San Mateo Person Requesting PJD DMB Saltworks, LLC

Site Number	Latitude	Longitude	Cowardin Class	Est. Amount of Aquatic Resource in Review Area	Class of Aquatic Resource
Crystal	37.499602	-122.204769	n/a	532.5 acres	non-tidal, unvegetated, see note 4
Pickle	37.493308	-122.189395	n/a	436.7 acres	non-tidal, unvegetated, see note 4
Bittern	37.500797	-122.184972	n/a	245.3 acres	non-tidal, unvegetated, see note 4
Mul-Use	37.510039	-122.197060	n/a	61.4 acres	non-tidal, unvegetated, see note 4

#### Notes:

For Site Numbers Listed Above:

Crystal = Crystallizer Complex: 532.5 acres.

Pickle = Pickle Complex: 436.7 acres.

Bittern = Bittern Complex: 245.3 acres.

Mul-Use = Multi-Use Area Complex: 61.4 acres.

**Note 1.** The Salt Production Facility include cells utilized and managed as part of the industrial salt production process. Industrial solution (consisting of brines and pickles) is transferred between these salt production cells as needed to produce salt. Areas have been classified as "Lacustrine" under the Cowardin classification system on 1985 NWI maps. However, the Cowardin classification system was developed for natural systems. Therefore, the Cowardin classification used above is not applicable to observed conditions. The National Wetlands Inventory and associated classification system is not intended to produce legal or regulatory products or be used as the basis for determining the amount or type of jurisdictional area present (<http://www.fws.gov/wetlands/faqs.html#legal>; Wetland Delineation Manual, Corps 1987). The National Wetland Inventory mapped boundaries and Cowardin wetland classification shown on the 1985 NWI map is not representative of actual conditions observed in the field.

**Note 2.** Per the Arid West Manual (page 34), soil survey information from the USDA Soil maps "is not site specific and does not preclude the need for on-site investigation." (See also USDA soil extent mapping tool at <http://www.cei/psu.edu/soiltool>: "these maps are suited for general information exploration and are not intended for site-specific investigations.") Here, the USDA Soil maps do not represent actual site conditions.

**Note 3.** See War Department Permit (January 16, 1940); Letter from San Francisco District (June 28, 2002); Letter from EPA (July 17, 2002); Letter from Corps of Engineers Headquarters (October 2001)

**Note 4.** This form prepared for use under RGL No. 08-02 only. Applicant reserves all rights to challenge jurisdictional issues in the future.